

JUL 19 2011

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAISANDRA K MARKHAM, Clerk
By: ~~Rita Storms~~

DIVISION PRO TEM B

HON. WARREN R. DARROW

By: Diane Troxell, Judicial Assistant

CASE NUMBER: V1300CR201080049

Date: July 19, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Sheila Sullivan Polk
Yavapai County Attorney
Bill Hughes, Esq.
Deputy Yavapai County Attorneys

(Plaintiff)

(For Plaintiff)

vs.

JAMES ARTHUR RAY

Thomas K. Kelly, Esq.
425 E. Gurley
Prescott, AZ 86301Luis Li, Esq.
Brad Brian, Esq.
Truc Do, Attorney at Law
Miriam Seifter, Attorney at Law
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355 S. Grand Avenue, 35th Fl.
Los Angeles, CA 90071

(Defendant)

(For Defendant)


**RULING ON DEFENDANT'S REQUEST FOR EXTENSION OF TIME
TO FILE POST-TRIAL MOTIONS**

The Court has considered the Defendant's request for extension of time to file post-trial motions and the State's objection.

This Court acknowledges the unusual length of this trial and the complexity of some of the issues. However, the State's legal argument presented in its objection appears to be correct. Arizona appellate courts have held that the time limit set by Rule 24.1 is jurisdictional and is not merely "mandatory," as is the case with motions under Rule 12.9. See Maule v. Arizona Superior Court, 142 Ariz. 512, 514, 690 P.2d 813, 815-16 (App. 1984). Although there does not appear to be direct legal authority relating to Rule 20 of the Arizona Rules of Criminal Procedure, this Court obviously would be without authority to extend the time for a renewal of such motion if the appellate courts later held the Rule 20 time period to be jurisdictional.

IT IS ORDERED denying the Defendant's request for extension of time.

DATED this 19th day of July, 2011.


Warren R. Darrow
Superior Court Judge

cc: Victim Services Division